

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

v.

NIYAZ SAINUDEEN

CRIMINAL ACTION

NO. 12-194

O R D E R

AND NOW, this 6th day of July, 2018, upon consideration of defendant Niyaz Sainudeen's Pro Se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 50, filed March 1, 2016), Government's Response in Opposition to Petitioner's Pro Se Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Document No. 54, filed April 25, 2016), Movant/Defendant's [Pro Se] Reply to United States['] Response in Opposition (Document No. 57, filed June 6, 2016), following a Hearing before United States District Judge James Knoll Gardner on November 17, 2016¹, and telephone conferences with the parties, through counsel, on August 9, 2017, September 18, 2017, and June 29, 2018, for the reasons stated in the accompanying Memorandum dated July 6th, 2018, **IT IS ORDERED** that defendant's Motion Under 28 U.S.C. § 2255 is **DENIED** and **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a

¹ Judge Gardner died on April 26, 2017. The case was transferred to the undersigned judge on June 15, 2017.

constitutional right or the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.